THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16767 of 2005

Between:

Jadhav Balu

.. Petitioner

and

Revenue Divisional Officer and others

.. Respondents.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16767 of 2005

O R D E R:

This writ petition is filed seeking a direction to the second respondent-Executive Magistrate and Mandal Revenue Officer, Jainoor Mandal, Adilabad District to deliver back the possession of the land admeasuring Ac.2.11 guntas in Sy.No.70/1, situated at Jandaguda village, Ashepalli, Jainoor Mandal, Adilabad District to the petitioner.

It is the case of the petitioner that he is the absolute owner and possessor of the land in question. While so, some disputes arose between him and the fifth respondent.

Hence, he filed agency case before the fourth respondent-The Project Officer, I.T.D.A., Utnoor, Adilabad seeking for injunction and also lodged a complaint before the third respondent-Sub-Inspector of Police, P.S. Jainoor, Adilabad District. The grievance of the petitioner is that the third respondent, instead of giving protection to his land, sent a report to the second respondent on 06.07.2005, based on which, the second respondent passed the impugned order preventing the petitioner from continuing in the land in question. The petitioner further stated that the act of the second respondent is arbitrary and illegal. Hence, he is constrained to file this writ petition.

Heard the learned counsel on either side.

A perusal of the impugned order and other material available on record, clearly shows that the second respondent passed the order impugned under Section 145(1) Cr.P.C. The appropriate remedy available for the petitioner is to approach the criminal Court concerned by way of filing an application under Section 482 Cr.P.C. to quash the impugned order.

Therefore, I am of the opinion that the writ petition is not maintainable against the order passed by the second respondent under Section 145(1) Cr.P.C. and the same is liable to be dismissed. The writ petition is accordingly dismissed. There shall be no order as to costs.

04.08.2005

Note: Issue C.C. by tomorrow

(B/o)

kdl